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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF HAWAII

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ENVY HAWAII LLC dba VOLVO) CIVIL NO. 17-00040 HG/KSC
CARS HONOLULU,)

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Plaintiff,)

5

vs.)

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VOLVO CAR USA LLC,)

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Defendant.)

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VOLVO CAR USA LLC,)

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Counterclaim Plaintiff,)

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vs.)

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ENVY HAWAII LLC dba VOLVO)
CARS HONOLULU,)

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Counterclaim Defendant,)

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and)

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MIKHAIL FEDOTOV,)

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Additional Counterclaim)

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Defendant.)

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DEPOSITION OF

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**ENVY HAWAII LLC f/d/b/a VOLVO CARS HONOLULU
THROUGH ITS 30(b)(6) DESIGNATED REPRESENTATIVE,
MIKHAIL FEDOTOV**

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20 Taken on behalf of the Defendant/Counterclaim Plaintiff,

21 Volvo Car USA LLC, at Starn•O'Toole•Marcus & Fisher,

22 Pacific Guardian Center, Makai Tower, 733 Bishop Street,

23 Suite 1900, Honolulu, Hawaii, commencing at 8:59 a.m. on

24 Tuesday, November 6, 2018, pursuant to Notice.

25 BEFORE: SHARON L. ROSS, RPR, CRR, RMR, CSR No. 432

11:47 1 email addresses are associated with those four inboxes?

11:47 2 A. It's Mike.Fedotov@VolvoHonolulu.com. It's
11:47 3 Mike@envyag.com, that personal Gmail, mihbor@gmail.com,
11:47 4 and -- and I think it was Mike.Fed@VolvoHonolulu.com.

11:47 5 Q. Since November 2016, have you deleted any emails
11:48 6 from any of those four accounts that relate in any way
11:48 7 to Envy Hawaii's Volvo operations?

11:48 8 A. Sure.

11:48 9 Q. How have you determined which emails to delete?

11:48 10 A. If it's a spam or emails that I -- I don't need
11:48 11 to....

11:48 12 Q. Have you deleted any communications with Volvo
11:48 13 employees?

11:48 14 A. Could be. I don't recall. Could be.

11:48 15 Q. Since November 2016, have you deleted any emails
11:48 16 with Mr. Martinho?

11:48 17 A. Could be.

11:48 18 Q. Were you aware that you have a legal obligation
11:49 19 to preserve all documents relating to this lawsuit?

11:49 20 A. Yes.

11:49 21 Q. Then why were you deleting documents?

11:49 22 A. Oh, you -- I didn't understand your question.

11:49 23 Q. My question is: Did you delete any emails
11:49 24 relating in any way to your Volvo operations?

11:49 25 A. When?

11:55 1 Q. -- did you search his email personally?

11:55 2 A. I don't recall, could be. It's Google --

11:55 3 VolvoHonolulu.com, the main base on Google; and as a

11:55 4 Google administrator, I could have an access to all

11:55 5 company emails, yes. So --

11:55 6 Q. Wouldn't it be the case --

11:55 7 A. -- yeah, when I searched emails, topics, I could
11:55 8 see emails from all the employees.

11:55 9 Q. Do you still have access -- I'm sorry. What was
11:55 10 that domain, EnvyHonolulu?

11:55 11 A. No, it's VolvoHonolulu.

11:55 12 Q. Excuse me. VolvoHonolulu. Do you still have
11:56 13 access to those VolvoHonolulu emails for the other
11:56 14 employees?

11:56 15 A. I only have a portion of it.

11:56 16 Q. Why is that?

11:56 17 A. Because we stopped paying for Google Enterprise,
11:56 18 the Mainland entity. It got canceled and freeze and --

11:56 19 Q. When did you stop paying for that?

11:56 20 A. I think it was in 2018.

11:56 21 Q. Is it your understanding then that any emails
11:56 22 that were associated with that domain name are deleted
11:56 23 by Google?

11:56 24 A. I don't know how it works. Yeah, I'm not sure.

11:56 25 Q. You just know you don't have access to them

C E R T I F I C A T E

STATE OF HAWAII)

) SS:

CITY AND COUNTY OF HONOLULU)

I, SHARON ROSS, Certified Shorthand Reporter, do hereby certify:

That on Tuesday, November 6, 2018, at 8:59 a.m., appeared before me MIKHAIL FEDOTOV, the witness whose deposition is contained herein; that prior to being examined the witness was by me duly sworn;

That the deposition was taken down by me in machine shorthand and was thereafter reduced to typewriting; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

That pursuant to Rule 30(e) of the Hawaii Rules of Civil Procedure, a request for an opportunity to review and make changes to this transcript:

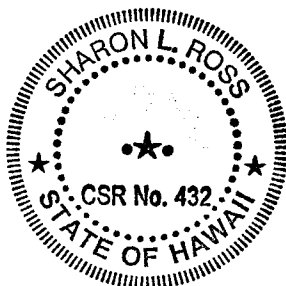
X Was made by the deponent or a party (and/or their attorney) prior to the completion of the deposition.

Was not made by the deponent or a party (and/or their attorney) prior to the completion of the deposition.

Was waived.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

Dated this 29th day of November, 2018, in Honolulu, Hawaii.



Sharon Ross

SHARON ROSS, CSR NO. 432